

A VIDEO RECORDING OF THE MEETING IN ITS ENTIRETY IS AVAILABLE THROUGH VERMONTCAM.ORG. THE WRITTEN MINUTES ARE A SYNOPSIS OF DISCUSSION AT THE MEETING. MOTIONS ARE AS STATED BY THE MOTION MAKER. MINUTES SUBJECT TO CORRECTION BY THE SHELBURNE DEVELOPMENT REVIEW BOARD. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE BOARD.

**TOWN OF SHELBURNE  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
May 2, 2018**

**MEMBERS PRESENT:** Joanna Watts (Chair); Mark Sammut, Jeff Pauza, Jeff Hodgson, Lisa LaMantia, David Hillman. (Ian McCray was absent.)

**STAFF PRESENT:** Kaitlin Mitchell, DRB Administrator [via telephone]

**OTHERS PRESENT:** Dave Marshall, Katie Gonyaw, Lynn Walker, Mark Saunders, Gail Albert, Jon Binhammer, Kevin Unugth, Matt Boudreau, Reyn Garnett, Beth Pierson, Peter Gibbs, Jeff Zweber, Peter Ewing, Allen Karnatz, Megan Nedzinski, Andrea Murray, Sarah Leduc, Brandon Bless.

**AGENDA:**

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (4/18/18)
4. Applications
  - Design Review, Privacy Fencing, 12 Cottage Lane, Pierson (DR18-08)
  - Design Review, Replace Deck, 5247 Shelburne Road, The Bearded Frog, Catamount HSI Shelburne, LLC (DR18-09)
  - Conditional Use\Site Plan Review, Expanded Use & Deck Addition, 2386 Shelburne Road, Ascension Childcare, Inc. (CU13-15R1\SP13-04R1)
  - Amend Site Plan, Revised Landscaping Plan, 4188 Shelburne Road, Rice Lumber Company (SP17-04R2)
  - Conditional Use, Apartment in Barn, 135 Pond Road, Reynolds Garnett (CU17-14R1)
  - Sketch Plan, PUD, 300 Cheesefactory Lane, Ewing Farm Trust (SUB18-01)
  - Final Plan\Design Review, Mixed Use PUD, Library and Municipal Campus, 5376, 5420, 2141, 2137, 5404 Shelburne Road, Town of Shelburne (SUB17-05\DR18-01)
5. Other Business
6. Adjournment

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**1. CALL TO ORDER and ANNOUNCEMENTS**

Chair Joanna Watts called the meeting to order at 7 PM. Mark Sammut announced he will recuse himself for the Rice Lumber application.

**2. PUBLIC COMMENT**

There were no comments from the public at this time.

**3. APPROVAL OF MINUTES**

*April 18, 2018*

**MOTION by Joanna Watts, SECOND by Lisa LaMantia, to approve the minutes of 4/18/18 with the following correction(s)/clarification(s):**

- Page 3, Noonan Application, Voting on Motion – change to “(7-0)”.
- Page 6, West Application, Vote on parking spaces – add “VOTING: unanimous (7-0); motion carried.”, and Motion of approval – delete “at expand the erosion control structure”.
- Page 7, paragraph beginning “Staff noted that the Landscaping Plans...”, 2<sup>nd</sup> sentence – insert “previously approved” before “plans”.
- Page 11, paragraph beginning “Dave Marshall explained the layout”, 2<sup>nd</sup> paragraph – change “bet increase” to “net increase”.
- Page 13, Voting on Adjournment – add “Mark Sammut” following “SECOND by”.

VOTING: unanimous (6-0); motion carried.

#### 4. APPLICATIONS

The function of the Development Review Board as a quasi-judicial board and the hearing procedure were explained. Individuals to give testimony before the DRB were sworn in.

**DR18-08: Design Review for privacy fencing in the rear yard at 12 Cottage Lane in the Village Residential District, Stormwater Overlay District, and Village Design Review Overlay District by Elizabeth Pierson**

Beth Pierson appeared on behalf of the application.

#### Submittals:

- Historic Preservation and Design Review Application
- Site Plan
- Photograph of property
- Fencing catalog sheet
- Town of Shelburne Staff Report, dated 5/2/18

#### STAFF REPORT

The DRB received a written staff report on the application, dated 5/2/18

#### APPLICANT COMMENTS

There were no comments from the applicant

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Design Review, Privacy Fence, 12 Cottage Lane, Pierson (DR18-08)

**MOTION by Joanna Watts, SECOND by Jeff Hodgson, to grant design review approval of DR18-08, application for 6’ high cedar privacy fencing in the rear yard at 12 Cottage Lane as submitted by Elizabeth Pierson with the condition a zoning permit shall be required prior to the installation of the fence. VOTING: unanimous (6-0); motion carried.**

**DR18-09: Design Review for replacement of decking on The Bearded Frog outdoor seating area at 5247 Shelburne Road in the Village Center District, Stormwater Overlay District, and Village Design Review Overlay District by Catamount HSI Shelburne, LLC**

Matt Boudreau appeared on behalf of the application.

Submittals:

- Historic Preservation and Design Review Application
- Photographs of existing decking
- Proposed decking material catalog sheet
- Town of Shelburne Staff Report, dated 5/2/18

STAFF REPORT

The DRB received a written staff report on the application, dated 5/2/18.

APPLICANT COMMENTS

Matt Boudreau explained the existing decking will be replaced with composite material in the outside seating area of The Bearded Frog so the area is safer for patrons.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Design Review, Replace Deck, 5247 Shelburne Road, The Bearded Frog, Catamount HSI Shelburne, LLC (DR18-09)

**MOTION by Mark Sammut, SECOND by Joanna Watts, to grant design review approval of DR18-09 to replace the decking in the outside seating area at The Bearded Frog at 5247 Shelburne Road by Catamount HSI Shelburne, LLC with composite Beach House Gray material as submitted with the condition a zoning permit shall be required prior to the commencement of construction. VOTING: unanimous (6-0); motion carried.**

**CU13-15R1\SP13-04R1: Conditional Use\Site Plan for a change of use to allow childcare service for up to 75 children and expansion of a deck at 2386 Shelburne**

**Road in the Mixed Use District and Stormwater Overlay District by Ascension  
Childcare, Inc.**

Katie Gonyaw appeared on behalf of the application.

Submittals:

- Site Plan Application, received 4/10/18
- Conditional Use Application, received 4/10/18
- General Information Application, received 4/10/18
- Site Plan, dated 8/13/18 and received 4/10/18
- Town of Shelburne Staff Report, dated 5/2/18

STAFF REPORT

The DRB received a written staff report on the application, dated 5/2/18.

APPLICANT COMMENTS

Katie Gonyaw explained the request to add 10 more spaces for children and a deck to the building in the area of the former loading docks. The deck will be pervious to slow water going into the ground. The area is grassed and hard packed stone. An increase of up to 10 cars is anticipated, half in the morning and half in the afternoon. Pick up and drop off by parents is staggered. Signage will be installed. There are 34 parking spaces not including the three to four spaces on the hill. Not all the 20 staff members drive to work or are there all the time. There are three bike racks.

PUBLIC COMMENT

Gail Albert, Shelburne Natural Resources Committee, asked about impingement on wetlands. Katie Gonyaw said there is no impact to wetlands. The wetlands are used as a learning opportunity for the children and teachers.

DELIBERATION/DECISION

Conditional Use\Site Plan, Expanded Use & Deck Addition, 2386 Shelburne Road,  
Ascension Childcare, Inc. (CU13-15R1\SP13-04R1)

**MOTION by Joanna Watts, SECOND by Lisa LaMantia, to close the hearing, finalize the record, and direct staff to prepare a decision indicating approval of CU13-15R1\SP13-04R1 for expansion of the use and a deck addition at 2386 Shelburne Road by Ascension Childcare, Inc. with the condition a zoning permit shall be required prior to commencing land development. VOTING: unanimous (6-0); motion carried.**

**SP17-04R2: Amend Site Plan for revision to an approved landscape plan at 4188 Shelburne Road in the Mixed Use District and Stormwater Overlay District by Rice Lumber Company**

Dave Marshall with CEA appeared on behalf of the application. Mark Sammut recused himself.

Submittals:

- Cover letter prepared by CEA, dated and received 3/14/18
- Site Plan Application, received 3/14/18
- General Information Application, received 3/14/18
- Rice Lumber Valuation of Permitted Landscaping Plan, received 3/14/18
- Existing conditions photographs, received 3/14/18
- Site Plan Set
- Memorandum prepared by TJ Boyle Associates, dated and received April 26, 2018
- Town of Shelburne Staff Report, dated 5/2/18

STAFF REPORT

The DRB received a written staff report on the application, dated 5/2/18.

APPLICANT COMMENTS

Dave Marshall said TJ Boyle Associates provided a memo on recommendations to improve the landscape plan and the applicant agreed to update the plan accordingly. Different species of trees will be planted.

PUBLIC COMMENT

Gail Albert asked about impact on sight distance by the change in the landscape plan. Dave Marshall said the trees along Route 7 are set back behind the sidewalk and there is adequate sight distance.

DELIBERATION/DECISION

Amendment to Site Plan, Revised Landscape Plan, 4188 Shelburne Road, Rice Lumber Company (SP17-04R2)

**MOTION by Joanna Watts, SECOND by Lisa LaMantia, to finalize the record, close the hearing, and direct staff to prepare a decision indicating approval of SP17-04R2 for a revised landscape plan at 4188 Shelburne Road by Rice Lumber Company as depicted in the materials filed for the record and with the following conditions:**

1. All previous conditions for the Rice Lumber PUD-MU shall still apply.

2. Landscaping shall be installed prior to the issuance of a Certificate of Occupancy for Lot 1 and Lot 2.
3. An updated performance bond shall be required for a period of two years and shall be submitted within 30 days of written approval of the application. The updated performance bond shall reflect the updated landscape plan to be provided by the applicant.
4. A zoning permit shall be required for the proposed retaining wall.
5. The zoning permit application shall include an amended landscape plan as suggested in the TJ Boyle Associated memo, dated 4/26/18, and as discussed on 5/2/18.

**VOTING: unanimous (5-0); motion carried.**

Mark Sammut returned to the DRB.

**CU17-14R1: Conditional Use for a proposed two bedroom apartment in an existing barn at 135 Pond Road in the Rural District by Reynolds Garnett**

Reynolds Garnett appeared on behalf of the application.

Submittals:

- Project Information, received 4/16/18
- Conditional Use Application, received 4/16/18
- Proposed elevations, received 4/16/18
- Proposed floor plans, received 4/16/18
- Aerial photography of property, received 4/16/18
- Property map, received 4/16/18
- Town of Shelburne Staff Report, dated 5/2/18

STAFF REPORT

The DRB received a written staff report on the application, dated 5/2/18.

APPLICANT COMMENTS

Reynolds Garnett said the square footage was corrected on the plan to convert an existing barn into a guest house for visitors. A 17' x 17' addition with windows and a screened porch plus a 5' wraparound deck will be added to the existing barn.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Conditional Use, Apartment in Barn, 135 Pond Road, Garnett (CU17-14R1)

**MOTION by Mark Sammut, SECOND by Joanna Watts, to close the hearing, finalize the record, and direct staff to prepare a decision to indicate approval of CU17-14R1 by Reynolds Garnett for a two bedroom apartment in an existing barn at 135 Pond Road as depicted in the materials filed for the record and with the condition a zoning permit shall be required prior to commencing construction. VOTING: unanimous (6-0); motion carried.**

**SUB18-01: Sketch Plan for a Residential Planned Unit Development to include subdividing 115 acres into three residential lots and two open space lots at 300 Cheesefactory Lane in the Rural District and Floodplain and Watercourse Overlay District by Ewing Farm Trust**

Peter Ewing appeared on behalf of the application.

Submittals:

- Sketch Plan Application, received 4/16/18
- Vermont Wetlands General Permit, received 4/16/18
- Project Review Sheet, received 4/16/18
- Site Plan Set
- Town of Shelburne Staff Report, dated 5/2/18

STAFF REPORT

The DRB received a written staff report on the application, dated 5/2/18.

APPLICANT COMMENTS

Peter Ewing reviewed the proposed PUD on the Ewing Farm. Most of the acreage is in Shelburne, but there are 11 acres and the access road in South Burlington. Vermont Land Trust, The Nature Conservancy (TNC), and UVM are all involved in the land conservation (80% of the parcel will remain as open space). The Ewing family will retain 20.5 acres for four building lots, one in South Burlington and three in Shelburne.

Jon Binhammer with TNC said TNC conveyed adjacent land by Shelburne Pond to UVM with a reverter clause. TNC owns land all around the pond area and the Ewing land by the Shelburne Pond natural area will be a great addition.

PUBLIC COMMENTS

Mark Saunders, 148 Cheesefactory Lane, asked if the approval from Shelburne is contingent on approval from South Burlington because the access road is in South Burlington. Kait Mitchell said approval from South Burlington for the road is necessary otherwise the lots will not have access or frontage. Mr. Saunders asked if right-of-way issues with the access road are a concern of Shelburne. Kait Mitchell said Shelburne has a

20' wide right-of-way requirement. Fire and Rescue will be commenting on the access road. Peter Ewing noted research of legal recordings on the property show a 60' wide right-of-way obtained 30 years ago which was signed by Fred Leduc. The right-of-way crosses the Saunders property as noted in the deed with Chapman who owned the lot prior to Saunders.

#### DELIBERATION/DECISION

Sketch Plan, Residential PUD, 300 Cheesefactory Lane, Ewing Farm Trust (SUB18-01)

**MOTION by Joanna Watts, SECOND by Jeff Pauza, to close the hearing, finalize the record, and authorize the applicant (Ewing Farm Trust) to proceed to Preliminary Plan for a Residential PUD at 300 Cheesefactory Lane (SUB18-01).**

**VOTING: unanimous (6-0); motion carried.**

**SUB17-05\DR18-01: Final Plan\Design Review for a Mixed Use Planned Unit Development for reconstruction of the Library and renovations to Town Hall and upgrades to the municipal campus at 5376, 5420, 2141, 2137, 5404 Shelburne Road in the Village Center District, Village Design Review, Village Core, and Stormwater Overlay District by Town of Shelburne**

Andrea Murray and Megan Nedzinski, Vermont Integrated Architects, Peter Gibbs and Jeff Zweber, Engineering Ventures, appeared on behalf of the application.

#### Submittals:

- Final Plat (Plan) Review Application, received 4/10/18
- Final Plat Review Description, received 4/10/18
- Natural Resource Atlas Map, received 4/10/18
- Project Review Sheet, received 4/10/18
- Context Map, received 4/10/18
- Site Plan Set, received 4/10/18
- Elevations, received 4/10/18
- Flood Plans, received 4/10/18
- Stormwater narrative, received 4/18/18
- Stormwater workbooks, received 4/18/18
- Stormwater worksheets, received 4/28/18
- Stormwater modeling, received 4/18/18
- Stormwater plans, received 4/18/18
- NOI, received 4/18/18
- ANR Stormwater Discharge Permit, received 4/18/18
- Fire apparatus movement letter prepared by Engineering Ventures, PC, received 4/24/18
- Fire Department letter, received 4/24/18



- DRB decision responses, received 4/24/18
- Site photometrics, received 4/24/18
- Site photometrics lighting cut sheets, received 4/24/18
- Sketch Plan Record
- Preliminary Plan Record
- Town of Shelburne Staff Report, dated 5/2/18

#### STAFF REPORT

The DRB received a written staff report on the application, dated 5/2/18

#### APPLICANT COMMENTS

Andrea Murray reviewed revisions to the site plan, traffic circulation, pedestrian paths and sidewalk, parking, and landscaping. Megan Nedzinski reviewed lighting. Jeff Zweber reviewed storm water management on the site.

There was discussion of lighting, safety of pedestrians on the site, and landscaping. The DRB wanted clarification on the lighting and the final landscape plan.

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Final Plan/Design Review, Mixed Use PUD, Library and Municipal Campus, 5376, 5420, 2141, 2137, 5404 Shelburne Road, Town of Shelburne (SUB17-05\DR18-01)

**MOTION by Joanna Watts, SECOND by Jeff Pauza, to continue the application for a Mixed Use PUD by the Town of Shelburne, SUB17-05\DR18-01, until May 16, 2018 pending clarification of lighting and the final landscape plan. VOTING: unanimous (6-0); motion carried.**

#### 5. OTHER BUSINESS/CORRESPONDENCE

None.

#### 6. ADJOURNMENT and/or DELIBERATIVE SESSION

**MOTION by Joanna Watts, SECOND by Lisa LaMantia, to adjourn the meeting. VOTING: unanimous (6-0); motion carried.**

The meeting was adjourned at 9:17 PM.